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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 February 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 10.20 a.m.

STATEMENT BY THE CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE PALESTINE LIBERATION ORGANIZATION

1. The CHAIRMAN invited the Chairman of the Executive Committee of the Palestine Liberation Organization to address the Commission.

2. Mr. ARAFAT (Palestine Liberation Organization) said that the fiftieth session of the Commission on Human Rights was being held at a turning point in history, when the cold war was being replaced by numerous regional and internal conflicts in Asia, Africa, Europe and Latin America. Meanwhile, the conflicts in the Middle East had not fully subsided and human rights violations continued to occur. Perhaps the most atrocious human rights violations were those committed in time of war and under foreign occupation, which was the result of war. Regardless of the changing nature or scope of war - whether it was the cold war or the more recent regional or internal conflicts - the one constant was that man was always the victim. Human beings continued to suffer during the transition from one kind of war to another.

3. The Palestinian commitment to human rights and democratic freedoms, international law and the principles of the Charter of the United Nations, was reflected in the decision taken, on 30 September 1993, to establish a Supreme Palestinian National Authority for Human Rights. The Authority would function as an independent body responsible for guaranteeing the exercise of human rights under Palestinian law and regulations in all bodies and machinery of the Palestinian Self-Government Authority. It would be composed of Palestinian jurists and headed by a Palestinian citizen, Dr. Hanan Ashrawi.

4. Grave and systematic human rights violations persisted throughout the world, including torture and other inhuman treatment, deliberate killings and murder, arbitrary execution, arrest and detention without trial, racism and racial discrimination, apartheid, and violations connected with the rise of xenophobia and neo-nazism. Peoples were still being deprived of their national economic, social and cultural rights and the right to self-determination under foreign occupation and foreign domination, or as a result of poverty, religious fanaticism, terrorism and State terrorism. Discrimination against women persisted and the rule of law was absent from many places.

5. In that context, the Palestine Liberation Organization welcomed the adoption of the Vienna Declaration and Programme of Action by the World Conference on Human Rights, held at Vienna in 1993, and its endorsement by the United Nations General Assembly.

6. In his addresses to previous sessions of the Commission, he had described the policies which sought to justify human rights violations in order to impose supremacy. He had also recounted the suffering of the Palestinian people under Israeli occupation. His people continued to suffer violations of all its human rights and fundamental freedoms. It had been subjected to deliberate killings, torture, arbitrary detention and deportation, the confiscation of its lands for the establishment of Jewish settlements, and the imposition of collective sanctions. School curricula had been sabotaged,

schools and universities had been closed and trade unions dissolved. The Palestinian national economy had been destroyed. In addition, the isolation of the Holy City of Jerusalem represented a violation of his people's cultural and religious rights.

7. For over a quarter of century, the Commission had been condemning that painful reality and calling for the withdrawal of Israeli forces from the occupied Palestinian territories, including Jerusalem, and the other Arab territories occupied by force in 1967. Its condemnation had been expressed in the many resolutions it had adopted and, at its forty-ninth session, by the appointment of a special rapporteur to investigate Israeli violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

8. The Palestinian people, which for decades had been making sacrifices to recover its homeland and its usurped rights, longed desperately for peace. It firmly believed that there could be no peace where there was occupation, aggression or a denial of rights. In that spirit, it had always welcomed all international peace initiatives, including the Peace Conference on the Middle East, held at Madrid, the negotiations at Washington and Oslo and the agreement on a Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 between the Palestine Liberation Organization and the Government of Israel, and the mutual recognition declared by Israel and the PLO.

9. The signing of the Declaration had been an initial expression of good will, of the intention to establish a peace based on justice and respect for human rights and of the desire to put the past behind, with all its tragedies, conflicts, enmity and hostilities. Such a peace would provide vast opportunities for cooperative relations between the Palestinian and the Israeli peoples, based on good neighbourliness, mutual respect and the settlement of disputes by peaceful means, including dialogue and arbitration. The signing of the Declaration, under the auspices of President Clinton of the United States of America, in the presence of the co-sponsors of the Madrid Conference - the United States and the Russian Federation - and with the blessing of the entire world, thus constituted the first step towards a comprehensive and just settlement of the Middle East conflict based on the implementation of Security Council resolutions 242 (1967) and 338 (1973).

10. The Declaration of Principles formed the basis for launching negotiations on a provisional Palestinian government with a view to establishing the Palestinian Self-Government Authority. The process would begin with the direct withdrawal of Israeli forces from the Gaza Strip and the Jericho area. Three years later, negotiations would begin on, inter alia, the issues of refugees, borders and settlements, with the ultimate objective of enabling the Palestinian people to exercise its right to self-determination and to establish an independent State with Jerusalem as its capital.

11. The PLO had embarked upon the negotiations in good faith and would continue them in the same spirit. The PLO hoped that the Government of Israel would display the same good will and would translate it into a full commitment to the contents of the Declaration and put an end to all human rights

violations in the Palestinian territory. That would help to build confidence among the Palestinian people and create a climate conducive to the faithful implementation of the Declaration.

12. It was notorious that that objective had not been achieved so far. Even since the signing of the Declaration, Palestinians had been killed by the occupying forces and by Israeli settlers. Palestinian youths were still being injured; arbitrary arrests and detentions were still taking place; over 14,000 Palestinians were still being held in Israeli prisons and detention camps; homes were still being demolished; and collective sanctions and curfews were still being widely imposed in the occupied territories. Land continued to be confiscated for the building of settlements and blockades were imposed to isolate the Holy City of Jerusalem. The persistence of violence in the occupied territories created a negative impression among Palestinians and the other peoples of the region and cast doubts on Israel's seriousness in implementing the agreement.

13. He and Mr. Peres, the Israeli Minister for Foreign Affairs, had just met for two days of uninterrupted talks at Davos. He sincerely hoped that when they met at Cairo - following the one week break requested by Mr. Peres - they would be able to sign the Davos agreement and discuss its implementation. He hoped that the Israeli withdrawal from the Gaza Strip and Jericho area could be implemented and that Israeli forces could be redeployed in the West Bank and the Gaza Strip in accordance with the Declaration of Principles.

14. The PLO firmly believed in the peace process and would oppose any obstacle set against it. He hoped that the Israelis would understand the human rights implications of the Declaration, and would discontinue their previous practices and implement the provisions of the Fourth Geneva Convention and the principles of international law.

15. In the light of recent developments, the international community must continue to assume its responsibility in relation to the question of Palestine. The Commission should continue to provide the Palestinian people with vital international legal protection during the transition phase, while Israeli forces were still present on parts of Palestinian territory. The United Nations and its specialized organs and machinery would retain that responsibility until such time as the Palestinian people recovered their right to repatriation, self-determination and independence.

16. He wished to stress that the peace process should be based solely on universally accepted provisions of international law for the peaceful solution of disputes between States. The PLO would lend its full support to the peace process in the hope that its successful outcome would guarantee future generations of Palestinians a life of peace, security, stability and freedom.

STATEMENT BY THE PRIME MINISTER OF THE ISLAMIC REPUBLIC OF PAKISTAN

17. The CHAIRMAN invited the Prime Minister of the Islamic Republic of Pakistan to address the Commission.

18. Mrs. BHUTTO (Pakistan) said that the Commission was the repository of hope for the planet, the voice of the powerless, the hungry and the oppressed. It was the champion of God's most noble cause. She took the opportunity to convey her personal gratitude to all human rights activists, some of whom were currently present and many of whom had worked bravely to secure her release from prison during the darkest years of the dictatorship in her country. Wearing as she did the scars on her soul of the abuse of basic human rights, she thus viewed oppression through the eyes of the victim.

19. Extraordinary progress had been made in the area of human rights over the past decade. Her very appearance in the Commission, as the democratically elected woman Prime Minister of the Islamic Republic of Pakistan, bore testimony to the dramatic changes that Pakistan and much of the world was undergoing. Pakistan's last elections had seen the forces of moderation triumph decisively. Yet there and elsewhere, democracy needed to be nurtured and sustained by rapid economic and social progress.

20. Salvation had not appeared on earth with the crumbling of the Berlin Wall. Even among the rapidly expanding community of democratic countries, there was often indifference, hypocrisy and lingering prejudice. A single moral standard was not always applied to all the peoples, cultures and religions of the world.

21. Unfortunately, events had taken a different turn in the past two years. Instead of peace, conflicts raged across the globe. Instead of solidarity, there had been an erosion of international cooperation. Instead of democracy, there had been a resurrection of fascism and extremism in almost every part of the world. Many States continued to pursue policies of domination. The promised "peace dividend" was nowhere in sight. The conflicts of the past had returned, becoming the manifestations of a new world disorder. The danger of nuclear war had eased, but it had not been eliminated. Meanwhile, in parts of the third world, societies were disintegrating, and States were falling under the pressure of poverty, corruption and war.

22. Communism had not been defeated by capitalism or by the forces of NATO, but by humanism. In the words of President Havel of the Czech Republic, it had been defeated by a revolt of human individuality against imprisonment within a uniform ideology.

23. Democracy was the first step towards the liberation of mankind. Freedom depended on social and economic justice and above all on the universal and non-selective application of human rights to all the citizens of the world. Economic development and political development were surely linked, but both were predicated on guaranteed human rights.

24. Human rights were still being violated extensively, and often with impunity, in almost every part of the world. The international community must not accept the fact that some States were committing genocide to preserve their so-called territorial integrity; it must not accept repression just because those being repressed belonged to minorities, alien cultures or other religions; it must not accept the daily killing just because those close to home were safe; it must not accept the inequity and disparity in living standards among and within nations.

25. Even as the Commission met, massacres were taking place in many regions of the globe. Every day, almost 50,000 people, mostly innocent children, died of hunger, malnutrition and poverty. If the international community could not act to stop that massive daily violation of the most fundamental of human rights, the right to life itself, it had no hope of realizing the ambitious human rights standards prescribed by the United Nations Charter. The right to a life of dignity was denied to more than one and half billion people throughout the world. Those forgotten human beings had the same dreams as anyone else, the same hopes for their children, the same right to security and the same right to live and to love. They were often too weak sustenance and too defeated to demand justice. If the international community did not empower, feed and care for them, its conscience would never be clear.

26. As one millennium came to a close and another was about to begin, the world was once again witnessing mankind's greatest calamity, the act of genocide, which had been perpetrated for the past two years against the people of Bosnia. The peace conference sponsored by the European Community had approved some high-sounding principles, but it had failed to stop the aggressor. The Security Council had not helped the victims of aggression, and humanitarian aid had become an excuse to avoid collective action against the aggressor. The sovereignty and territorial integrity of Bosnia must be preserved, and the consequences of ethnic cleansing reversed.

27. She was proud to announce that her country had made a contribution of $1 million to the United Nations International Tribunal for the prosecution of violations of humanitarian law in the former Yugoslavia, or 25 per cent of the funds raised from all countries to date. Although relatively poor, Pakistan was prepared to assist in the search for justice.

28. The recent liberation of so many nations from foreign bondage had strengthened the hunger for freedom in others. The people of Jammu and Kashmir was a case in point. Two thirds of Kashmir had remained under Indian occupation for the last 45 years. India had first accepted, but then refused to implement Security Council resolutions calling for a plebiscite under United Nations auspices.

29. For the past four years, the people of Kashmir had bravely struggled to realize one of the most basic of all human rights, the right to self-determination. Six hundred thousand Indian troops had been deployed to suppress the Kashmiri aspiration for freedom. The Indian campaign of gross human rights violations was reminiscent of the darkest days of the holocaust.

30. A typical "operation" started with troops surrounding a Kashmiri village or town. The young men were separated and taken to detention centres for interrogation, where they were routinely tortured and maimed. Often they were summarily executed in staged "encounters". Their homes were invaded and their women dishonoured. Whole localities had been put to the torch. More than 40,000 Kashmiri men, women and children had died.

31. To divert the world's attention from its repression, India alleged that the Kashmiri freedom struggle was instigated and militarily assisted by Pakistan. Nothing could be further from the truth. Every kilometre along the Line of Control was guarded by 900 Indian soldiers and was heavily mined. It was virtually impossible for anyone to cross into Indian-held Kashmir.

32. To demonstrate that Indian accusations of cross-border movements were false, the Government of Pakistan had proposed that India allow the United Nations Military Observer Group for India and Pakistan to discharge its mandate of patrolling the Line of Control. India had refused; nor had it accepted Pakistan's proposal to station impartial observers on the Line of Control to verify its allegations. For its part, Pakistan was open to all human rights groups, media representatives, diplomats and political observers, who could see for themselves that the only camps there were those for refugees who had been tortured, maimed and dishonoured.

33. Despite its repression, India had failed to impose its will on the indomitable people of Jammu and Kashmir. Resistance had grown. The Kashmiri political leadership, representing more than 30 parties and groups, had unanimously declared that it would not contemplate any solution that implied the continuation of Indian rule. Its demand was simple: freedom. People could not be suppressed indefinitely. History taught that tyranny could not long endure.

34. Pakistan had agreed to talks with India in the past month in the hope that all aspects of the Jammu and Kashmir dispute could be meaningfully addressed. Her Government had stressed that India should seek a peaceful rather than a military solution to the Kashmir dispute and should take visible steps to reduce repression. Instead, the repression had intensified. Just two days after the announcement of the resumption of talks, 50 persons had been killed in Sopore and the whole town had been set on fire. Only 3 days previously, 20 innocent persons had been shot in Kupwara. The list of recorded massacres was long and was well documented by international organizations.

35. The situation in Kashmir was intolerable, as was the world's silence. She asked that the representatives of the Kashmiri people be allowed to come before the Commission to inform it of the oppression to which they were being subjected and urged the Commission to investigate those human rights violations. The time had come for the world community to prevail upon India to remove the additional forces it had put into Kashmir in order to conduct its campaign of repression; to release the imprisoned Kashmiri leaders and permit them to leave India and return freely to their homes in Kashmir; to lift the Draconian emergency laws allowing its army to commit all forms of atrocities in Kashmir with impunity; to provide full and free access to international human rights organizations and humanitarian agencies to visit Kashmir, so that they could see the suffering of the Kashmiri people for themselves; and to grant similar access to the international media, particularly television, so that the world could witness what was happening there. That was the least that could be expected of a country that claimed to be "the largest democracy" in the world.

36. A settlement of the Kashmir dispute based on the wishes of its people was the key to peace and progress in South Asia, home to one fifth of humanity. Pakistan wanted and needed peace with its neighbours. Resolution of the core issue of Kashmir would pave the way to the normalization of relations between Pakistan and India. Pakistan was committed to resolving the dispute through peaceful negotiations.

37. Her Government believed that the promotion of respect for human rights in Pakistan was essential to strengthening the country's democratic institutions. Its aim was to provide a life of dignity for its people. Too many Pakistanis still languished in poverty and too many were illiterate. Her Government sought to ensure the rights of women and their full participation in society; to provide full protection of the country's children; and to safeguard the basic rights of minorities.

38. In the post-cold-war era, attitudes must change to bring about international solidarity between the rich and the poor, the East and the West, the North and the South and between the civilizations of Christianity, Judaism, Islam, Hinduism and Buddhism. The world must not succumb to the thesis that confrontation, conflict and the clash of civilizations were inevitable. They were not.

39. Mr. CHANDRA (India), speaking on a point of order, said that, although he was aware that the Bureau intended to recommend that all rights of reply should be exercised at the end of the last meeting of the day, he wished nevertheless to request permission to speak in exercise of the right of reply. The statement just made by the Prime Minister of Pakistan had been a highly political one, filled with distortions and inaccuracies, and required an immediate rebuttal.

40. Mr. AKHUND (Pakistan) said that he supported the Indian representative's request to speak in exercise of the right of reply, provided that the same right was accorded to his own delegation.

41. The CHAIRMAN said that the Bureau had decided that all rights of reply would be exercised at the end of the day, and he was not prepared to authorize any derogation from that decision.

ORGANIZATION OF THE WORK OF THE SESSION (item 3 of the provisional agenda)

42. The CHAIRMAN said that the members of the Bureau had met the previous day to consider the organization of work of the session. It had discussed in detail how the Commission could best conduct its work, particularly in view of its heavy provisional agenda. As a result of those discussions, he submitted to the Commission a number of recommendations agreed upon by the Bureau concerning the organization of work, including a provisional timetable.

43. The Bureau recommended inter alia that, in accordance with General Assembly resolution 47/237, the question of the International Year of the Family, currently listed as item 23 of the provisional agenda, should become sub-item (e) of agenda item 11 and that the proposed new item entitled

"Practices of ethnic cleansing in situations of internal conflict" should not be included as a separate agenda item, pending consultations within the Eastern European Group.

44. In its resolution 48/163, the General Assembly had requested that priority consideration should be given by the Commission to the establishment of a permanent forum for indigenous people in the United Nations system. The Bureau recommended that further consultations should be held on that matter.

45. The Bureau recommended that a new item entitled "The follow-up to the World Conference on Human Rights" should be added to the Commission's agenda and had decided to consider the issues of Guatemala and El Salvador at its next meeting, after consultations with the Latin American regional group.

46. With regard to speaking time, the Bureau made the following recommendations: members of the Commission should be limited to one statement of 15 minutes or two statements of 10 minutes per item or group of items; observers and non-governmental organizations should be limited to one statement of 10 minutes per item or group of items; observer States and liberation movements mentioned in the Commission's reports should be limited to one statement of 15 minutes or two statements of 10 minutes under the item concerned; and participants speaking in exercise of the right of reply should be limited to 2 replies, 5 minutes for the first and 3 minutes for the second. The Bureau had agreed that all rights of reply would be exercised at the end of the last meeting of the day.

47. In view of the time constraints arising from its heavy agenda, the Bureau recommended that the Commission should waive the requirement of a quorum, as set forth in rule 40 of the rules of procedure of the functional commissions of the Economic and Social Council.

48. In conformity with past practice, the Bureau recommended that the relevant special rapporteurs and representatives, chairmen and independent experts should be invited to introduce the agenda items related to their work.

49. The Bureau further recommended that the Commission should approve two additional meetings, to be held concurrently with the plenary meetings: one meeting for the working group established under item 10 (d) (Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), to be held on 3 February 1994, in the morning; and one meeting for the working group established under item 21 (Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms), to be held on 28 February 1994, in the afternoon.

50. Mr. PEREZ NOVOA (Cuba) said that, according to the provisional timetable, only 10 meetings had been assigned to item 10 (Question of the human rights of all persons subjected to any form of detention or imprisonment), only 3 meetings had been assigned to item 11 (Further promotion and encouragement of human rights and fundamental freedoms,

including the question of the programme and methods of work of the Commission), and only 2 meetings - towards the end of the session - to item 22 (Rights of the child). In view of the importance of those items, the provisional timetable would seem to need some readjustment.

51. While fully sharing the concern that time should be used efficiently, he found it difficult to endorse the Bureau's recommendation that the Commission should begin its meetings in the absence of a quorum. Starting a meeting in an almost empty room would hardly be a positive symbol to present to the world He hoped that, in the interest of transparency, the recommendation could be discussed further by the regional groups.

52. The CHAIRMAN said that the draft timetable for consideration of the agenda items was flexible and could be changed if the need arose.

53. The Bureau had been unanimous in its recommendation that the Commission should waive the requirement of a quorum to start a meeting, the precedent for which had been set by the General Assembly. Such an action would undoubtedly save time and increase the efficiency of the Commission's work, and that would certainly be a positive symbol. It would be difficult for him at that stage to ask the regional groups to consider the issue and he hoped that the representative of Cuba would not press the point.

54. If he heard no further objections, he would take it that the Commission wished to approve the Bureau's recommendations, on the understanding that it would revert, as appropriate, to certain issues that he had mentioned.

55. It was so decided.

56. The CHAIRMAN said that, pending the adoption of the agenda, he took it that the Commission was willing to begin consideration of items 4 and 9 of the provisional agenda.

57. It was so decided.

The meeting rose at 12.50 p.m.